

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

JASON ADAM JENSEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 6:22-CV-03140-BCW
	)	
CITIBANK, N.A., et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is Plaintiff’s Motion for Leave Under Rule 15(d) to File Supplemental Third-Party Complaint (Doc. #85), Motion for Injunctive Relief and Order to Show Cause (Doc. #86), “Motion for Declaration Citi Arbitration Agreement Unenforceable” (Doc. #87), Rule 35 Motion for Examination of Mental Fitness of Michael Parson (Doc. #97), and Rule 11 Motion for Sanctions against Missouri, Attorney General’s Office, and Counsel (Doc #98). The Court, being duly advised of the premises, denies said motions.

In September 2022, the Court granted Plaintiff’s motion to proceed in forma pauperis on limited claims against Defendants JH Met, David Gamache, Citibank NA, Citigroup, Inc., the State of Missouri, and Stone County. (Doc. #6).

**A. Plaintiff’s Motion for Leave Under Rule 15(d) to File Supplemental Third-Party Complaint (Doc. #85)**

Plaintiff seeks leave under Fed. R. Civ. 15(d) to file a supplemental third-party complaint. “On just terms,” the court may permit a party to file a supplemental pleading “setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Fed. R. Civ. P. 15(d). Supplementation is permissible even if the original pleading is defective in some way. Fed. R. Civ. P. 15(d).

Plaintiff properly attached the proposed supplemental complaint to the motion for leave. However, the “supplemental” complaint purports to add new parties and new claims. Plaintiff was granted leave to proceed in forma pauperis only as to certain limited claims against certain parties as set forth by previous Order. The Court finds no basis for supplementation of the amended complaint on which Plaintiff was granted leave to proceed without prepayment of fees. The motion is denied.

**B. Plaintiff’s Motion for Injunctive Relief and Order to Show Cause (Doc. #86)**

To the extent the Court can discern what Plaintiff seeks to convey in this filing, Plaintiff objects to the Citibank Defendants’ assertion of an arbitration agreement barring Plaintiff’s contract claims. Because the Citibank Defendants have not yet been served, this filing relating to the merits of Plaintiff’s claims against these defendants are premature. Plaintiff does not otherwise demonstrate the need for injunctive relief. The motion is denied without prejudice, in the event Plaintiff would seek to later dispute the existence or application of any arbitration agreement.

**C. Plaintiff’s Motion for Declaration Citi Arbitration Agreement Unenforceable (Doc. #87)**

This motion is denied without prejudice for the same reasons set forth above, and for the reasons set forth in the Citibank Defendants’ opposition suggestions. (Doc. #101).

**D. Rule 35 Motion for Examination of Mental Fitness of Michael Parson (Doc. #97)**

“The court where the action is pending may order a party whose mental or physical condition . . . is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner.” Fed. R. Civ. P. 35. This discovery rule is inapplicable here. The motion is denied.

**E. Rule 11 Motion for Sanctions against Missouri, Attorney General's Office, and Counsel (Doc #98)**

Plaintiff seeks sanctions against the State of Missouri and the AG's office on the basis that counsel misrepresented Plaintiff's consent to the State of Missouri's request for extension of time to respond to Plaintiff's motion for leave to file a supplemental complaint. The Court denies the motion for the reasons set forth in the State of Missouri's opposition suggestions. (Doc. #104). Accordingly, it is hereby

ORDERED Plaintiff's Motion for Leave Under Rule 15(d) to File Supplemental Third-Party Complaint (Doc. #85) is DENIED. It is further

ORDERED Plaintiff's Motion for Injunctive Relief and Order to Show Cause (Doc. #86) is DENIED. It is further

ORDERED Plaintiff's "Motion for Declaration Citi Arbitration Agreement Unenforceable" (Doc. #87) is DENIED. It is further

ORDERED Plaintiff's Rule 35 Motion for Examination of Mental Fitness of Michael Parson (Doc. #97) is DENIED. It is further

ORDERED Plaintiff's Rule 11 Motion for Sanctions against Missouri, Attorney General's Office, and Counsel (Doc #98) is DENIED.

IT IS SO ORDERED.

Date: August 17, 2023

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT